

UNITED STATES DISTRICT COURT  
NORTHERN DISTRICT OF CALIFORNIA

ALFRED LAM, et al.,

Plaintiffs,

v.

THE CITY AND COUNTY OF SAN  
FRANCISCO, et al.,

Defendants.

No. C 10-4641 PJH

**ORDER GRANTING  
MOTION TO DISMISS**

Defendant's motion to dismiss plaintiffs' second cause of action came on for hearing before the court on February 15, 2012. Plaintiffs appeared through their counsel, Dow Patten and Spencer Smith. Defendant City and County of San Francisco ("CCSF") appeared through its counsel, Rafal Ofierski, and Lauren Monson. Having reviewed the parties' papers and carefully considered the parties' oral arguments and the relevant legal authority, and good cause appearing, the court hereby GRANTS defendant's motion to dismiss. Plaintiffs' second amended complaint fails to allege sufficient facts to establish the violation of a contractual employment right, pursuant to 42 U.S.C. § 1981.

Plaintiffs are granted leave to amend, however, in order to allege additional facts that would be sufficient to support the existence of a contractual employment right pursuant to section 1981. Plaintiffs are granted 28 days from the date of this order, or until March 16, 2012 to file their amended complaint.

**IT IS SO ORDERED.**

Dated: February 17, 2012



PHYLLIS J. HAMILTON  
United States District Judge